IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 35703 of 2007(A)

PETITIONER:

C.R.SINDU ,AGED 36 YEARS
W/O. S.H.ANI, PANKINI,
T.C.61/2038, BNRA 94, MANACAUD P.O.
THIRUVANANTHAPURAM.9.

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR

RESPONDENTS:
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1. STATE BANK OF TRAVANCORE
KESAVADASAPURAM BRANCH
THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGER.

2. AUTHORISED OFFICER(THE CHIEF MANAGER)
STATE BANK OF TRAVANCORE
KESAVADASAPURAM BRANCH
TRIVANDRUM.

3. DR.P.L.REJITLAL, T.C. 61/2038
BNRA 94, BALAVAN NAGAR, MANACAUD,
THIRUVANANTHAPURAM, WORKING AS CHAIRMAN,
RITHS TRUST, REJITALA INSTITUTE OF TECHNOLOGY
& HEALTH SERVICE, PATTOOR, VANCHIYOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.SATHISH NINAN, SC, SBT
R1I.SANTHOSH MATHEW
SRI.SABU S.KALLARAMOOLA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35703 OF 2007 A

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Dated this the 17th December, 2007

J U D G M E N T

Proceedings have been initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 against the property of which the 3rd respondent is owner, he being the defaulter to the 1st respondent Bank. Petitioner submits that she is residing in the property and that is is only on account of a fraud played by the 3rd respondent that he got the property in his name. Petitioner also submits that the 3rd respondent is not interested in discharging the liability and therefore she will discharge the liability, provided the Bank returns the title deeds deposited by the 3rd respondent to her.

2. The 3rd respondent seems to be agreeable to the petitioner discharging the liability. According to him, the title to the property belongs to him and that if the liability to the Bank is settled, the documents also should be returned to him.

3. It is not in controversy that the amount is due to the 1st respondent Bank and if that be so, the Bank cannot be faulted in taking action against the property mortgaged. As far as the Bank is concerned, the petitioner is a stranger and therefore the Bank will not be in a position to release the title deeds to the petitioner unless the 3rd respondent agrees to such a course. The 3rd respondent is not in a mood to agree to such course of action and if that be so, this Court will not be justified in compelling the bank to release documents of title deposited by the 3rd respondent to the petitioner.

Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-